

Amended independent claim 1 recites in part: "Method for transmitting and receiving data in a code division multiple access telecommunication system...whereby the size of at least one of said groups **is changed in accordance with changing needs** such that a probability of access for the at least one group is dynamically changed." (Underlining and bold added for emphasis.)

It is respectfully submitted that the portions of Dupont relied upon by the Examiner (hereinafter merely "Dupont") do not appear to disclose "whereby the size of at least one of said groups **is changed in accordance with changing needs** such that a probability of access for the at least one group is dynamically changed". Although Dupont appears to disclose priority groups that have a specific probability value assigned to them, such groups do not appear to be changed with respect to changing needs.

Accordingly, it is believed that amended claim 1 is distinguishable from Dupont. For similar reasons, it is also believed amended independent claims 8, and 12 are also distinguishable from Dupont.

Further, since claims 2-7, 9-11, and 13-15, depend from one of claims 1, 8, and 12, they are also believed to be distinguishable from Dupont.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the Applicants' undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where, in the reference, there is the basis for a contrary view.

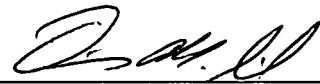
The Examiner has made of record, but not applied, several U.S. patents. The applicants appreciate the Examiner's explicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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**Version with markings to show changes made**

Please amend claims 1, 4, 6-8, 10, 12, and 14 by rewriting the same as follows:

1. (Amended) Method for transmitting and receiving data in a code division multiple access telecommunication system, comprising the steps of:

providing a random access time window [(20)] comprising a plurality of random access slots for transmitting random access data from at least one first communication device [(24)] to a second communication device [(25)], and

dividing the plurality of random access slots of the random access time window [(20)] into at least two groups each having a respective size, and

allocating the groups to respective priority classes,

whereby the priority classes represent the transmission priorities of the random access data to be transmitted in the random access slots, and

whereby the size of at least one of said groups is changed in accordance with changing needs such that a probability of access for the at least one group is dynamically changed.

4. (Twice Amended) Method for transmitting and receiving data according to claim 1, characterized in,

that a first communication device [(24)], for transmitting random access data of a certain transmission priority, randomly chooses one or more random access slots from the group having the corresponding priority class.

6. (Twice Amended) Method for transmitting and receiving data according to claim 1, characterized in,

that said second communication device [(25)] periodically broadcasts information defining the groups of the random access time window [(20)] to the at least one first communication device.

7. (Twice Amended) Method for transmitting and receiving data according to claim 1, characterized in,

that each random access slot in said random access time window [(20)] is defined by a time offset value and a preamble code.

8. (Amended) Device [(24)] for transmitting and receiving data in a code division multiple access telecommunication system,

in which a random access time window [(20)] comprising a plurality of random access slots for transmitting random access data is provided,

the plurality of random access slots of the random access time window [(20)] being divided into at least two groups each having a respective size, and

the groups being allocated to respective priority classes,

whereby the priority classes represent the transmission priorities of the random access data to be transmitted in the random access slots,

with means [(30)] for randomly choosing one or more random access slots from a group having a certain priority class corresponding to the transmission priority of the random access data to be transmitted, and

means [(29)] for transmitting the random access data in said chosen random access slot(s),

whereby the size of at least one of said groups is changed in accordance with changing needs such that a probability of access for the at least one group is dynamically changed.

10. (Twice Amended) Device for transmitting and receiving data according to claim 8, characterized by,

means [(31)] for extracting information defining the groups of the random access time window [(20)] from a received broadcast signal.

12. (Amended) Device [(25)] for transmitting and receiving data in a code division multiple access telecommunication system,

in which a random access time window [(20)] comprising a plurality of random access slots for transmitting random access data is provided,

with means [(34)] for dividing the plurality of random access slots of the random access time window into at least two groups each having a respective size,

whereby the groups are allocated to respective priority classes, the priority classes representing the transmission priorities of the random access data to be transmitted in the random access slots, and

means [(34)] for transmitting information defining the groups of the random access time window,

whereby the size of at least one of said groups is changed in accordance with changing needs such that a probability of access for the at least one group is dynamically changed.

14. (Twice Amended) Device for transmitting and receiving data according to claim 12, characterized in,

that said means [(34)] for dividing the random access slots into groups sets the number of random access slots in each group variably depending on system requirements.